

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ROTHSCHILD PATENT IMAGING LLC, §	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
TANGOME, INC.,	§	
	§	
Defendant.	§	
_____	§	

COMPLAINT

Plaintiff Rothschild Patent Imaging LLC (“Plaintiff” or “RPI”) files this original Complaint against TangoME, Inc. (“Defendant” or “TangoME”) for infringement of United States Patent No. 8,437,797 (hereinafter “the ‘797 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its principal office located at 1400 Preston Rd., Suite 400, Plano, TX 75093.

4. On information and belief, Defendant is a corporation organized and existing under the laws of Delaware with its principal place of business located at 568 Broadway, 10th Floor, New York, NY 10012.

5. On information and belief, this Court has personal jurisdiction over Defendant

because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Texas.

VENUE

7. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO 8,437,797)**

8. Plaintiff incorporates paragraphs 1-7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, et seq.

10. Plaintiff is the owner by assignment of the '797 patent with sole rights to enforce the '797 patent and sue infringers.

11. A copy of the '797 Patent, titled "Wireless Image Distribution System and Method," is attached hereto as Exhibit A.

12. The '797 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least claim 16, of the '797 patent by making, using, importing, selling, and/or offering for mobile applications operable with mobile communication devices

covered by at least claim 16 of the '797 patent.

14. On information and belief, Defendants sell, offer to sell, and/or use mobile applications, including, without limitation, the Tango mobile app ("Product"), which infringes at least Claim 16 of the '797 Patent.

15. The Product is intended for installation on a mobile communication device with a camera such as, for example, a smart phone. The Product, installed and operating on a mobile communication device, constitutes an image-capturing mobile device.

16. The Product receives a plurality of images. For example, the Product can access photos captured by, and stored on, the mobile communication device and allows the user to send the photos to other people.

17. The Product filters the images using a transfer criteria. For example, the user can select, from the plurality of images, the images that the user wishes to share with other people. The user's selection of images to send or share is a transfer criteria.

18. The Product transmits the filtered images, via a wireless transmitter to a second image capturing device. For example, the Product uses the WiFi or cellular data module on the communication device to send the filtered images (e.g., the images selected by the user) to another mobile communication device having the Tango app installed thereon.

19. The Product provides for the image capturing mobile device and the second mobile device to be in a selectively paired relationship based on an affinity group associated with the second mobile device. For example, when a user uses the Product to share photos to a another person, the photos are transmitted to other person being a subscriber to the Product and having the Product downloaded on their mobile device. And, when the two Product users are in a conversation enabled by the app, the first user (with the image capturing mobile device)

can send photos to the other app user associated with the particular conversation.

20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,437,797 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: October 14, 2016

Respectfully submitted,

/s/ Jay Johnson

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ATTORNEYS FOR PLAINTIFF

EXHIBIT A